

Message Text

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ORIGIN NEA-10

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R 191457Z DEC 75

FM SECSTATE WASHDC

TO AMEMBASSY ABU DHABI

AMEMBASSY ALGIERS

AMEMBASSY AMMAN

AMEMBASSY NOUAKCHOTT

AMEMBASSY RABAT

AMEMBASSY SANA

AMEMBASSY TRIPOLI

AMEMBASSY TUNIS

USINT BAGHDAD

AMEMBASSY BEIRUT

AMEMBASSY CAIRO

AMEMBASSY DAMASCUS

AMEMBASSY DOHA

AMEMBASSY JIDDA

AMEMBASSY KHARTOUM

AMEMBASSY KUWAIT

AMEMBASSY MANAMA

AMEMBASSY MOGADISCIO

AMEMBASSY MUSCAT

INFO AMCONSUL JERUSALEM

AMEMBASSY TEL AVIV

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E.O. 11652: GDS

TAGS: ETRD, EGEN, PFOR, KU

SUBJECT: U.S. CONTACTS WITH BOYCOTT AUTHORITIES

REF: KUWAIT 5209

1. DEPARTMENT APPRECIATES EMBASSY KUWAIT'S SUGGESTION FOR REVIEW OF LONGSTANDING PRACTICE OF AVOIDING CONTACTS WITH CENTRAL AND COUNTRY BOYCOTT OFFICE OFFICIALS. BOYCOTT DOES PROMISE TO BE SERIOUS, CONTINUING PROBLEM AFFECTING U.S. POLITICAL AND ECONOMIC RELATIONS WITH COUNTRIES APPLYING BOYCOTTS AGAINST COUNTRIES FRIENDLY TO U.S. ALSO SEEMS LIKELY THAT SOME COUNTRIES CONCERNED INTEND TO MAINTAIN BOYCOT WITH VARYING DEGREES OF SEVERITY NOTWITHSTANDING OUR OPPOSITION AND NON-RECOGNITION. WE WOULD LIKE TO INVOLVE ADDRESSEES IN DIALOGUE ON SUBJECT OF CONTACTS WITH BOYCOTT AUTHORITIES, AND SET FORTH BELOW CONSENSUS OF OUR THINKING ON THE MATTER AT THIS TIME.

2. WE BELIEVE THAT DISTINCTION SHOULD BE MADE BETWEEN CONTACTS WITH HOST GOVERNMENTAL OFFICIALS AT DECISION-MAKING LEVEL AND OFFICIALS WHO ESSENTIALLY ARE TECHNOCRATS WORKING IN LOCAL BOYCOTT OFFICES. EXCEPTIONS AND IMPORTANT CHANGES IN BOYCOTT ENFORCEMENT HAVE BEEN, AND, WE BELIEVE, WILL CONTINUE TO BE MADE AT INITIATIVE OF HOST GOVERNMENTS. CONTACTS WITH HIGH-LEVEL GOVERNMENT OFFICIALS HAVE BEEN MADE ON BOYCOTT MATTERS IN CERTAIN COUNTRIES ON A CASE-BY-CASE BASIS AT THE DISCRETION OF THE AMBASSADOR, AND THESE CONTACTS SHOULD CONTINUE. HOST GOVERNMENT OFFICIALS AT DECISION-MAKING LEVELS ARE THE APPROPRIATE POINTS OF CONTACT BECAUSE OF THE RELATIONSHIP BETWEEN INDIVIDUAL BOYCOTT OFFICES AND THE LOCAL GOVERNMENT (BOYCOTT OFFICES ARE NORMALLY FOUND IN THE MINISTRIES OF TRADE AND COMMERCE OF THOSE ARAB COUNTRIES WHICH IMPLEMENT THE BOYCOTT). WE ARE UNAWARE THAT CENTRAL BOYCOTT OFFICE HAS EVER PREVENTED GOVERNMENT FROM ACTING IN ITS OWN SELF-INTEREST WHEN IT HAS WISHED TO DO SO.

3. WE HAVE AVOIDED OFFICIAL CONTACTS WITH CENTRAL BOYCOTT
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OFFICE OFFICIALS IN DAMASCUS AS A MANIFESTATION OF OUR POLICY OF NON-RECOGNITION OF THE BOYCOTT. WE HAVE ALSO AVOIDED CONTACT WITH STAFF OF LOCAL BOYCOTT OFFICES FOR POLICY REASONS AND BECAUSE THEY CANNOT MAKE EXCEPTIONS OR OTHERWISE SUBSTANTIVELY CHANGE THE WORKINGS OF BOYCOTT ENFORCEMENT IN ANY GIVEN COUNTRY (UNLESS A LOCAL HEAD OF A BOYCOTT OFFICE WERE HIMSELF A POWERFUL FIGURE IN THE LOCAL GOVERNMENT).

4. ENGAGING IN DIALOGUE WITH BOYCOTT OFFICE OFFICIALS OFFERS TWO PROSPECTS, NEITHER ATTRACTIVE: WE CAN SEEK SIGNIFICANT RELAXATION OF BOYCOTT ENFORCEMENT WITHOUT REALISTIC EXPECTATION OF SUCCESS, OR WE CAN TAKE UP VERY SPECIFIC ASPECTS OF THE BOYCOTT (E.G., CONFUSION OF NAMES, OTHER ASSERTIONS OF U.S. FIRMS THAT THEY SHOULD NOT HAVE BEEN BLACKLISTED, QUESTIONABLE APPLICATIONS OF BOYCOTT RULES). THIS PURSUIT COULD BE INTERPRETED AS REPRESENTATIONS BY THE U.S. THAT FIRMS HAVE COMPLIED WITH BOYCOTT RULES AND THEREFORE SHOULD NOT BE BARRED FROM DOING BUSINESS. INDEED, IT COULD BE INTERPRETED AS INCREASING THE EFFECTIVENESS OF THE BOYCOTT. THIS COURSE OF ACTION WOULD BE ANTITHETICAL TO OUR POLICY OF OPPOSITION TO ANY APPLICATION OF THE BOYCOTT. INDIVIDUAL FIRMS, OF COURSE, ARE FREE TO MAKE SUCH REPRESENTATIONS OF COMPLIANCE (THOUGH THEY NEED TO BE CONCERNED ABOUT THE IMPLICATIONS OF COMPLIANCE FOR ANTI-TRUST AND STATE ANTI-BOYCOTT LAW VIOLATIONS).

5. SINCE CHANGES THAT MAY BE POSSIBLE WITH RESPECT TO BOYCOTT RELAXATION WILL COME FROM COUNTRY'S OWN SELF-INTEREST AND FROM PROGRESS TOWARD NEGOTIATED SETTLEMENT OF ARAB-ISRAELI DISPUTE, ROLES OF GOVERNMENTS WILL BE OF KEY IMPORTANCE. FOR THIS REASON IT IS OUR VIEW THAT U.S. DIALOGUE ON BOYCOTT ISSUES SHOULD BE CONDUCTED THROUGH REPRESENTATIONS WITH HIGH LEVEL GOVERNMENT OFFICIALS.

6. WE WOULD APPRECIATE HEARING FROM ADDRESSEE POSTS ON SITUATION REGARDING CONTACTS IN HOST COUNTRY AND ON OUR THINKING ON THE MATTER BY THE FIRST WEEK IN JANUARY. KISSINGER

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